

10/15/01
11129 U.S. PTO

ARNOLD & PORTER

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555 Twelfth Street, NW
Washington, DC 20004-1206

October 15, 2001

Box Patent Application

Commissioner for Patents
Washington, D.C. 20231

10/15/01
09/976054
11129 U.S. PTO

Re: U.S. Non-Provisional Utility Patent Application
Appl. No.: To be assigned
Filed: Herewith
For: ***Nucleic Acid Molecules and Other Molecules Associated With the Cytokinin Pathway***
Inventors: Nordine Cheikh and Jingdong Liu
Ref. No.: 16517.256 /38-21(15094)C

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. Utility Patent Application Transmittal (PTO/SB/05);
2. Form PTO/SB/17 (in duplicate);
3. U.S. Utility Patent Application entitled:
Nucleic Acid Molecules and Other Molecules Associated With the Cytokinin Pathway
and naming as inventors:
Nordine Cheikh and Jingdong Liu
the application consisting of a specification containing:
 - (i) 225 pages of description prior to the claims;
 - (ii) 4 pages of claims (11 claims);
 - (iii) a one (1) page abstract;
 - (iv) 279 pages of a sequence listing;
4. a computer readable disk copy of the sequence listing (CRF);
5. a Statement Regarding Sequence Submission;
6. an Information Disclosure Statement,
7. a Form PTO-1449 (7 pages) with 23 accompanying documents;

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8. an executed Combined Declaration and Power of Attorney, executed by Jingdong Liu (four pages);
9. an executed Combined Declaration and Power of Attorney, executed by Nordine Cheikh (four pages);
10. a Non Publication Request under 35 U.S.C. 122(b);
11. a Preliminary Amendment;
12. our check No. 200683 in the amount of \$ 950.00; and
13. Two (2) return postcards.

It is respectfully requested that, of the two attached postcards, one be stamped with the filing date of these documents and returned to our courier, and the other, prepaid postcard, be stamped with the filing date and unofficial application number and returned as soon as possible.

This application is a continuation of U.S. patent application 09/227,586, filed January 8, 1999.

This application claims priority under 35 U.S.C §119(e) and/or 35 U.S.C § 120 of applications: No. 60/067000 filed November 24, 1997; No. 60/069472 filed December 9, 1997; No. 60/071,064 filed January 9, 1998; No. 60/074,201 filed February 10, 1998; No. 60/074281 filed February 10, 1998; No. 60/074567 filed February 12, 1998; No. 60/074565 filed February 12, 1998; No. 60/075462 filed February 19, 1998; No. 60/075461 filed February 19, 1998; No. 60/075464 filed February 19, 1998; No. 60/075460 filed February 19, 1998; No. 60/075463 filed February 19, 1998; No. 60/077231 filed March 9, 1998; No. 60/077229 filed March 9, 1998; No. 60/077230 filed March 9, 1998; No. 60/078368 filed March 18, 1998; No. 60/080844 filed April 7, 1998; No. 60/083067 filed April 27, 1998; No. 60/083387 filed April 29, 1998; No. 60/083388 filed April 29, 1998; No. 60/085224 filed May 13, 1998; No. 60/085223 filed May 13, 1998; No. 60/085222 filed May 13, 1998; No. 60/086186 filed May 21, 1998; No. 60/086187 filed May 21, 1998; No. 60/086185 filed May 21, 1998; No. 60/086184 filed May 21, 1998; No. 60/086188 filed May 21, 1998; No. 60/089,524 filed June 16, 1998; No. 60/089,810 filed June 18, 1998; No. 60/089,814 filed June 18, 1998; No. 60/090,170 filed June 22, 1998; No. 60/092,036 filed July 8, 1998; No. 60/099670 filed September 9, 1998; No. 60/099697 filed September 9, 1998; No. 60/100674 filed September 16, 1998; No. 60/101132 filed September 21, 1998; No. 60/101130 filed September 21, 1998; No. 60/101,508 filed September 22, 1998; No. 60/101344 filed September 22, 1998; No. 60/101347 filed September 22, 1998; No. 60/101343 filed September 22, 1998; No. 60/104,126 filed October 13, 1998; No. 60/104,127 filed October 13, 1998; No. 60/104,124 filed October 13, 1998; No. 60/104,121 filed October 13, 1998; No.

09/227,586

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60/111,981 filed December 11, 1998, No. 09/199,129 filed November 24, 1998; No. 09/210,297 filed December 08, 1998; and No. 09/227,586 filed January 08, 1999.

In accordance with 37 C.F.R. § 1.821(f), the paper copy of the sequence listing and the computer readable copy of the sequence listing submitted herewith in the above application are the same.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to Arnold and Porter's deposit account, No. 50-1824 referencing matter number 16517.256. A duplicate copy of this letter is enclosed.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)
June E. Cohan (Reg. No. 43,741)

Enclosures

097054-1055
FBI/DOJ

Please type a plus sign (+) in this box → ☐

PTO/SB/05 (11-00)

App. for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

for new nonprovisional applications under 37 C.F.R. 1.53(b))

| | |
|------------------------|--|
| Attorney Docket No. | 16517.256/38-21(15094)C |
| First Inventor | CHEIKH, Nordine |
| Title | Nucleic Acid Molecules and Other Molecules Associated With the Cytokinin Pathway |
| Express Mail Label No. | |

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 230]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets 4]
5. Oath or Declaration [Total Pages 4]
 - a. ☒ Newly executed (original or copy)
 - b. ☐ Copy from a prior application (37 CFR 1.63 (d))
(for a continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☒ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☒ paper
 - c. ☒ Statements verifying identity of above copies

ACCOMPANYING APPLICATIONS PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement ☒ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure ☒ Copies of IDS
Statement (IDS)/PTO-1449 Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☒ Request and Certification under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No: 09 / 227,586

Prior application information: Examiner M. Zeman

Group / Art Unit: 1631

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

17. CORRESPONDENCE ADDRESS

| | | | | | |
|---|--|---|----------|--|-------|
| <input checked="" type="checkbox"/> Customer Number or Bar Code Label | | (Insert Customer No. or Attach bar code label here) | | or <input type="checkbox"/> Correspondence address below | |
| Name | Lawrence M. Lavin, Jr. | | | | |
| Address | Monsanto Company 800 N. Lindbergh Boulevard; Mail Zone N2NB | | | | |
| City | St. Louis | State | Missouri | Zip Code | 63167 |
| Country | | Telephone | | Fax | |

| | | | |
|-------------------|---------------------------------|-----------------------------------|------------------|
| Name (Print/Type) | David R. Marsh June E. Cohan | Registration No. (Attorney/Agent) | 41,404 43,741 |
| Signature | <i>David R. Marsh</i> | Date | Oct. 15, 2001 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

09/976054
10/15/01

**FEE TRANSMITTAL
for FY 2001**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 950**Complete if Known**

Application Number

Filing Date

First Named Inventor

Examiner Name

Group / Art Unit

Attorney Docket No.

METHOD OF PAYMENT (check one)1. ☒

The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit
Account
Number

50-1824

Deposit
Account
Name

Arnold and Porter

☒ Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17☐ Applicant claims small entity status.
See 37 CFR 1.272. ☒

Payment Enclosed:

☒ Check☐ Credit card☐ Money
Order☐ Other**FEE CALCULATION**

1.

BASIC FILING FEE

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------------|-----------------------|----------------------|-----------------------|------------------------|----------|
| 101 | 710 | 201 | 355 | Utility filing fee | 710 |
| 106 | 320 | 206 | 160 | Design filing fee | |
| 107 | 490 | 207 | 245 | Plant filing fee | |
| 108 | 710 | 208 | 355 | Reissue filing fee | |
| 114 | 150 | 214 | 75 | Provisional filing fee | |

SUBTOTAL (1)

(\$ 710)

2.

EXTRA CLAIM FEES

| | | | Extra Claims | | Fee from below | | Fee Paid |
|-----------------------|----|-------|-----------------|---|-------------------|---|-------------|
| Total Claims | 11 | -20** | = 0 | X | 18 | = | 0 |
| Independent Claims | 6 | -3** | = 3 | X | 80 | = | 240 |
| Multiple Dependent | | | | X | | = | 0 |

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description |
|----------------------|-----------------------|----------------------|-----------------------|--|
| 103 | 18 | 203 | 9 | Claims in excess of 20 |
| 102 | 80 | 202 | 40 | Independent claims in excess of 3 |
| 104 | 270 | 204 | 135 | Multiple dependent claim, if not paid |
| 109 | 80 | 209 | 40 | ** Reissue independent claims over original patent |
| 110 | 18 | 210 | 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2)

(\$ 240)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

| Fee Code | Large Entity Fee (\$) | Fee Code | Small Entity Fee (\$) | Fee Description | Fee Paid |
|-------------|--------------------------------|-------------|--------------------------------|--|-------------|
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath | |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet. | |
| 139 | 130 | 139 | 130 | Non-English specification | |
| 147 | 2,520 | 147 | 2,520 | For filing a request for reexamination | |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 | Extension for reply within first month | |
| 116 | 390 | 216 | 195 | Extension for reply within second month | |
| 117 | 890 | 217 | 445 | Extension for reply within third month | |
| 118 | 1,390 | 218 | 695 | Extension for reply within fourth month | |
| 128 | 1,890 | 228 | 945 | Extension for reply within fifth month | |
| 119 | 310 | 219 | 155 | Notice of Appeal | |
| 120 | 310 | 220 | 155 | Filing a brief in support of an appeal | |
| 121 | 270 | 221 | 135 | Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable | |
| 141 | 1,240 | 241 | 620 | Petition to revive - unintentional | |
| 142 | 1,240 | 242 | 620 | Utility issue fee (or reissue) | |
| 143 | 440 | 243 | 220 | Design issue fee | |
| 144 | 600 | 244 | 300 | Plant issue fee | |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner | |
| 123 | 130 | 123 | 130 | Petitions related to provisional applications | |
| 126 | 180 | 126 | 180 | Submission of Information Disclosure Stmt | |
| 581 | 40 | 581 | 40 | Recording each patent assignment per property (times number of properties) | |
| 146 | 710 | 246 | 355 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 | 710 | 249 | 355 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 | 710 | 279 | 355 | Request for Continued Examination (RCE) | |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 0)

SUBMITTED BY**Complete (if applicable)**

| | | | | | |
|-------------------|----------------|---------------------------------|--------|-----------|---------------|
| Name (Print/Type) | David R. Marsh | Registration No. Attorney/Agent | 41,408 | Telephone | 202-942-5000 |
| Signature | David R. Marsh | | 43,741 | Date | Oct. 15, 2001 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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| | | |
|--|----------------------|--|
| REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i) | First Named Inventor | CHEIKH, Nordine |
| | Title | Nucleic Acid Molecules and Other Molecules Associated With the Cytokinin Pathway |
| | Atty Docket Number | 16517.256/38-21(15094)C |

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

October 15, 2001

Date

David R. Marsh

Signature

David R. Marsh

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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